

Combined Comparative Analysis Matrix (CAM)

Subject Matter	Citation/ Link	More Stringent than HIPAA for		References to Related State/ Federal Law & Legislative Proposals
		Patient Care?	Population Health?	
Privacy Specific Provisions				
Comprehensive general privacy act				
Comprehensive medical privacy act	NM: Records confidential (DOH), NMSA 1978 § 24-1-20	N	N	
	TX: H&S Code 181, Medical Records Privacy	Sort of		
Constitutional right to privacy	FL: Art. I Sec 23; see also Art. X, Sec 22 (Parental Notice of Termination of a Minor's Pregnancy)	N	N	
Restrictions on use of Social Security number	FL: 119.071, (4)(a)(1), F.S., 817.568, F.S., also 817.5681, F.S. (See also 69O - 128.025(1)(i), F.A.C.)	N	N	5 U.S.C. 552a, 42 U.S.C. 405(c)(2), 15 U.S.C. 6801 - 6809
	TX: B&C Code 20.02, B&C Code 35.58	Y		
	KY: KRS 216.2927	N	N	
	KS: 40-2425			
	NM: NM Privacy Act NMSA 1978 §§ 57-12B-1 et seq.	Y	Y	
HIPAA-Based and Other Federally-Based Provisions				
Provisions adopting HIPAA requirements	FL: 400.494, F.S., See also 381.028, F.S., relating to adverse medical incident reports which includes references to HIPAA	Y	Y	FL: Treatment of "sensitive conditions" - Florida Statutes §§ 381.004, 385.202, 392.65, 384.29, 394.4615, 395.404, 397.501 and 760.40; See also FS 381.028(3)(i), and FS 408.915.
	KY: Numerous	N	N	
Provisions adopting other federally-based provisions	FL: 397.501(7)(a), F.S., (Substance Abuse Service Providers), 626.9651, F.S., (Health Insurers and HMOs).	Y	Y	Sustance Abuse - 42 CFR Part 2, Education - 20 U.S.C. 1232g, Health Insurance - Gramm-Leach-Bliley Act, 15 U.S.C. 6801 - 6809
	KY: 908 KAR 1:320 (42 CFR Part 2)	N	N	
Health Information Provisions				
Health information exchange specific provisions	FL: 163.62, F.S. (Limited - Collaborative Client Information Systems), 381.0022, F.S., (Authorizes DOH and DCF share confidential information on clients served by the respective agency); 402.115, F.S., (Authorizes DOH, DCF and APD to share confidential information on clients served by the respective agency).	N	N	KY: HIPAA, 45 CFR 164.500 et seq.
	KY: KRS 216.267	N	N	
	TX: 22 TAC 291.34, H&S Code 12.0124	Y		
Electronic health/medical record specific provisions	FL: FS 456.43 Limited to e-prescribing, 59A-3.270, F.A.C., hospitals	N	N	45 CFR §§164.302-318
	TX: Gov Code 531	Y		
	KY: KRS 205.566	N	N	
Breach of electronic security reporting - general	FL: FS 817.5681 General	N	N	HIPAA 45 CFR 164.302 et seq.
	KY: KRS 369.118	N	N	
	TX: Bus & Comm Code 4-48-103	Y		
	MI: Identity Theft Protection Act MCL 445.72			HIPAA (45 CFR 164.302 et seq.)
Breach of electronic security reporting - health records	FL: 817.5681, F.S., while not specific to electronic health records the statute would have limited applicability to electronic health records.	N	N	MI: Federal E-Sign Law 15 U.S.C. 96
	MI: Identity Theft Protection Act MCL 445.72			
Telehealth/telemedicine provisions	FL: 458.3255, F.S., (Telemedicine Ordering Limitations); 64B8-9.014, F.A.C and 64B15-14.008, F.A.C., (Relating to Internet Prescribing)	N	N	HIPAA, 45 CFR 164.500 et seq.
	TX: Fam Code 266.003, Gov. Code 487 & 531, H&S Code 62,157, H&S Code 109.012, Occ Code 107, 111	Y		
	KY: KRS 311.5975	N	N	
	NM Telehealth & Health Info Tech Commission Act, NMSA 1978 § 24-1G-1 et seq.	N	N	
Electronic signatures	FL: 668.04, F.S.,	N	N	Federal E-Sign law - 15 U.S.C. 96
	MI: Uniform Electronic Transactions Act MCL 450.831; Public Health Code MCL 333.17753			
	TX: Bus & Comm Code 43	Y		Federal E-Sign Law (15 U.S.C. 96)
	KY: KRS 369.109	N	N	
	KS: 16-1605			
	NM: NM Uniform Electronic Transactions Act, NMSA 1978 § 14-16-1 et seq.			
Personal health records				
Uniform Electronic Transactions Act	FL: 668.50, F.S.	N	N	HIPAA, 45 CFR 164.500 et seq.
	TX: Bus & Comm Code 43	Y		
	KY: KRS 369.101-.120	N	N	
	MO: 432.205, 432.210, 432.215, 432.220, 432.225, 432.230, 432.235, 432.240, 432.245, 432.250, 432.255, 432.260, 432.265, 432.270, 432.275, 432.295			
	KS: 16-1601 et seq			
	NM: NM Uniform Electronic Transactions Act, NMSA 1978 § 14-16-1 et seq.			
Technical security of electronic systems provisions	FL: 282.318, F.S., (Applies to State Government),	N	N	HIPAA - 45 CFR 164.312
	TX: Bus & Comm Code 43	Y		
	KY: KRS 369.118	N	N	
	KS: 16-1610			

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Health/Medical Records in General				
Records retention requirements	<p>FL: FS 456.057(11) Health Care Providers; Implied, FS 395.3025 Hospitals; see also regulations governing licensed health providers, 64B1-10.001, F.A.C. Acupuncture; 64B8-10.001 - 10.004, F.A.C. Medical Doctors; 64B15-15.001 - 15.006, F.A.C. Osteopathic Doctors; 64B33-4.001, F.A.C. Athletic Trainers; 64B2-17.0055 - 17.0065, F.A.C. Chiropractors; 64B4 - 9.001 - 9.002, F.A.C. Licensed Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors; 64B4 - 17.002, F.A.C., Dentists; 64B6 - 6.007, F.A.C., Hearing Aid Specialists; 64B9 - 11.001 - 11.002, F.A.C., Nurses; 64B13 - 3.003, F.A.C., Optometrists; 64B17-6.0042 - 6.005, F.A.C., Physical Therapists; 64B18 - 15.002 - 15.002, F.A.C., Podiatrists; 64B19 - 19.002 - 19.006, F.A.C., Psychologists; 64B20 - 9.006, F.A.C., Speech-Language Pathologists; 64B24 - 7.014, F.A.C., Licensed Midwife; 64J-1.014, F.A.C., EMT</p> <p>TX: 22 TAC 291.34, H&S Code 161, H&S Code 262.030, H&S Code 481 & 483, Bus & Comm Code 43</p> <p>MI: Public Health Code (MCL 333.16213: Retention of Records; MCL 333.20175: Patient records) Release of Information for Medical Research and Education (MCL 331.531: Disclosures to peer review entities) Michigan Court Rules (MCR 2.314: Release of medical information by subpoena)</p> <p>KY: 902 KAR 20 passim; 902 KAR 11:045</p> <p>KS: 100-24-2</p> <p>NM: Health Information confidentiality; immunity from liability for furnishing NMSA 1978 § 14-6-1; Hospital Records; retention NMSA 1978 § 14-6-2</p>	N	N	42 CFR 482.24, (Medicare COP), 42 CFR 431.306, (Medicaid)
		Y		HIPAA (42 CFR 482.24, 431.306)
		N	N	
Patient access	<p>FL: FS 456.057(6), FS 395.3025(1)</p> <p>TX: Various H&S and 22 TAC sections</p> <p>KY: KRS 422.317</p> <p>MI: Release of Information for Medical Research and Education (MCL 331.531: Disclosures to peer review entities) Revised Judicature Act of 1961 (MCL 600.2157: Waiver of physician-patient privilege)</p> <p>MO: 191.227, 452.375.10, 577.029, 577.208, 630.110</p> <p>KS: 65-4971</p> <p>NM: NMSA 1978 § 14-6-3 Access to medical records by applicants for disability benefits</p>	N	N	Implied - 42 CFR 431.306(d), (Medicaid); Numerous Sections of Public Health Service Act - 42 CFR 51b.404, 42 CFR 51c.110, 42 CFR 59.11, 42 CFR 55a.104, 42 CFR 51a.6 and 42 CFR 37.80(a)
		Y		
		N	N	HIPAA (42 CFR 431.306d)
Ownership of medical records	<p>FL: FS 456.057(1), 395.3025 Hospitals - implied, see also regulations governing licensed health providers, 64B1-10.001, F.A.C., Acupuncture; 64B8-10.001 - 10.004, F.A.C., Medical Doctors; 64B15-15.001 - 15.006, F.A.C., Osteopathic Doctors; 64B33-4.001, F.A.C., Athletic Trainers; 64B2-17.0055 - 17.0065, F.A.C. Chiropractors; 64B4 - 9.001 - 9.002, F.A.C., Licensed Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors; 64B4 - 17.002, F.A.C., Dentists; 64B6 - 6.007, F.A.C., Hearing Aid Specialists; 64B9 - 11.001 - 11.002, F.A.C., Nurses; 64B13 - 3.003, F.A.C., Optometrists; 64B17-6.0042 - 6.005, F.A.C., Physical Therapists; 64B18 - 15.002 - 15.002, F.A.C., Podiatrists; 64B19 - 19.002 - 19.006, F.A.C., Psychologists; 64B20 - 9.006, F.A.C., Speech-Language Pathologists; 64B24 - 7.014, F.A.C., Licensed Midwife</p> <p>TX: 22 TAC 165</p> <p>MI: Public Health Code (MCL 333.16213: Retention of Records; MCL 333.20175: Patient records; MCL 333.20175a: Agreement with another health facility to protect, maintain and provide access to records, etc.)</p> <p>KS: 28-34-9a(c)</p> <p>KY: 902 KAR 20 passim</p>	N	N	
		Y		
		N	N	HIPAA 45 CFR 164.500 et seq.
Accounting for disclosures	FL: FS 456.057(12), 59A -3.270(1), F.A.C., Hospitals	Y	Y	
Specific redisclosure prohibitions	<p>FL: FS 456.057(12), FS 395.3025(7)(a)</p> <p>TX: Various H&S and Occ. Code sections</p> <p>KY: 902 KAR 20 passim; MHSA 304.17A-555</p> <p>MO: 191.656, 195.415, 198.032, 198.052, 198.532, 209.263, 630.080, 660.605</p> <p>NM: Sexually transmitted diseases; disclosure NMSA 1978 § 24-1-9.5; [HIV/AIDS] Confidentiality NMSA 1978 § 24-2B-6, Disclosure Statement NMSA 1978 § 24-2B-7</p>	Y	Y	42 C.F.R. 2.32
		Y		
		N	N	HIPAA 45 CFR 164.500 et seq.
		Y	Y	
Redisclosure statement required	<p>FL: FS 381.004(3)(f), HIV Test Results; FS 397.501(7)(a), Substance Abuse Service Provider Records</p> <p>NM: Sexually transmitted diseases; disclosure NMSA 1978 § 24-1-9.5; [HIV/AIDS] Disclosure Statement NMSA 1978 § 24-2B-7</p>	Y	Y	42 CFR 2.32
		Y	Y	

DRAFT

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Disposition/destruction of records	<p>FL: FS 456.057(13-15), see also regulations relating to licensed health care providers, 64B1-10.001, F.A.C., Acupuncture; 64B8-10.001 - 10.004, F.A.C., Medical Doctors; 64B15-15.001 - 15.006, F.A.C., Osteopathic Doctors; 64B33-4.001, F.A.C., Athletic Trainers; 64B2-17.0055 - 17.0065, F.A.C. Chiropractors; 64B4 - 9.001 - 9.002, F.A.C., Licensed Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors; 64B4 - 17.002, F.A.C., Dentists; 64B6 - 6.007, F.A.C., Hearing Aid Specialists; 64B9 - 11.001 - 11.002, F.A.C., Nurses; 64B13 - 3.003, F.A.C., Optometrists; 64B17-6.0042 - 6.005, F.A.C., Physical Therapists; 64B18 - 15.002 - 15.002, F.A.C., Podiatrists; 64B19 - 19.002 - 19.006, F.A.C., Psychologists; 64B20 - 9.006, F.A.C., Speech-Language Pathologists; 64B24 - 7.014, F.A.C., Licensed Midwife</p> <p>MI: Public Health Code (MCL 333.20175: Patient records; MCL 333.20175a: Agreement with another health facility to protect, maintain and provide access to records, etc.)</p> <p>KS: 100-24-3</p>	N	N	

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Consent/Authorizations Patient consent requirements	456.057(7)(a), F.S., 395.3025(4), F.S., See also enhanced consent requirements for "sensitive conditions" including Florida Statutes §§ 381.004, 385.202, 392.65, 384.29, 394.4615, 395.404, 397.501 and 760.40 TX: H&S Code 44.072-73, H&S Code 47.008, H&S Code 116.0072, H&S Code 611 KY: KRS 311.597 MI: Mental Health Code MCL 330.1707 Rights of Minor; Public Health Code MCL 333.5127 Consent by minor for VD or HIV testing; MCL 333.6121 Consent by minor to substance abuse treatment; MCL 333.17015 Informed consent KS: 102-3-12a(b)(20)(C) MO: 191.743, 191.925, 198.088, 199.033, 209.263, 209.265, 209.339, 302.745, 306.116, 375.1309, 431.061, 452.390, 577.020, 630.140, 631.135, 632.370, 632.392, 660.603, 660.605	Y Y N	Y N	42 CFR 431.306(d), (Medicaid); Numerous Sections of Public Health Service Act - 42 CFR 51b.404, 42 CFR 51c.110, 42 CFR 59.11, 42 CFR 55a.104, 42 CFR 51a.6 and 42 CFR 37.80(a) HIPAA (42 CFR 431.306d; 45 CFR 164.510, 164.514)
Patient authorization requirements	456.057(7)(a), F.S., 395.3025(4)(a), F.S., See also enhanced consent requirements for "sensitive conditions" including Florida Statutes §§ 381.004, 385.202, 392.65, 384.29, 394.4615, 395.404, 397.501 and 760.40 KS: 65-4970 KY: KRS 311.597	Y N	Y N	42 CFR 431.306(d), (Medicaid); Numerous Sections of Public Health Service Act - 42 CFR 51b.404, 42 CFR 51c.110, 42 CFR 59.11, 42 CFR 55a.104, 42 CFR 51a.6 and 42 CFR 37.80(a)
Disclosure for emergency situations	456.057(7)(a), F.S., (Implied), 397.501(7)(a)(1), F.S. (Substance Abuse Providers), 1002.22(3)(d)(9), F.S., (School Health Records), TX: H&S Code 773 KY: 210 KAR 9:005; KRS 610.310; KRS 214.185 MI: Public Health Code MCL 333.17015 Informed consent KS: 65-6004 NM: Genetic information disclosure for emergency medical treatment, NMSA 1978 § 24-21-3C(10); Children's Mental Health Disclosure of Information NMSA 1978 § 32A-6A-24(d)(2)	Y Y N Y	Y N Y	42 CFR 431.306(d), (Medicaid) 42 CFR 51b.404, 51c.110, 5911, 55a.104, 51a.6, 37.80(a) 45 CFR 164.512
Minors Age of majority	FL: FS 743.07(1) TX: Civ P&R Code 129.001 KY: KRS 2.015 KS: 38-123b MI: Status of Minors and Child Support (MCL 722.4: Emancipation of minor) Age of Majority Act of 1971 (MCL 722.52: Adult of legal age, etc.) NM: Decisions for unemancipated minors NMSA 1978 § 24-7A-6.1; unemancipated minor NMSA 1978 § 24-7A-6.1(G); Health care information NMSA 1978 § 24-7A-8; Age of Majority NMSA 28-6-1; Emancipation of Minors NMSA 1978 § 32A-21-1 et seq.	N Y N N	N N N	
Emancipated minors	FL: FS 743.015 - 095 TX: Fam Code 31 KY: KRS 214.185 MI: Status of Minors and Child Support (MCL 722.4e: Rights and responsibilities of emancipated minor; obligation and liability of parents) NM: Decisions for unemancipated minors NMSA 1978 § 24-7A-6.1; Health care information NMSA 1978 § 24-7A-8; Emancipated minors, hospitals, medical and surgical care NMSA 1978 § 24-19-1	N Y N N	N N N	
Age consent requirements - mental health	FL: FS 397.501(7)(e)(1) TX: Fam Code 32.002-004 KY: KRS 214.185; KRS 222.441 MO: 431.061 MI: Mental Health Code (MCL 330.1498i: Notice to parent of hospital admission of minor; MCL 330.1716: Surgery consent; MCL 330.1707: Rights of minor; MCL 330.1724: Fingerprints, photographs, etc.) NM: health care information NMSA 1978 § 24-7B-10	N Y N N	N N N	
Age Consent requirements - other conditions	FL: FS 743.06 Blood Donation, FS 743.065 Care of minor child TX: Fam Code 32.002-004 KY: KRS 214.185; KRS 222.441 KS: 38-122 MI: Public Health Code (MCL 333.17015: Informed consent for abortion) Marriage License (MCL 551.103: Persons capable of contracting marriage; age requirement; etc.) MO: 431.061	N Y N	N N	
Patient Proxies Personal Representatives/Executors	FL: FS 731.201(27) TX: Various Probate and HR Code sections KY: KRS 395 passim KS: 58-654 MI: Medical Records Access Act (MCL 333.26263: Definitions) MO: 473.110, 473.113, 473.117	N Y N	N N	
Guardians	FL: FS Ch. 744 TX: Various sections of Human Resources Code KY: KRS 387.590 (10) KS: 59-3075 MI: Medical Records Access Act (MCL 333.26263: Definitions) MO: 475.075, 475.082, 475.120, 630.140, 632.175	N Y N	N N	

Florida - Black, Kentucky - Blue, Michigan - Green, Missouri - Orange, New Mexico - Purple, Texas - Dark Red

DRAFT

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
	NM: Disclosure of Information NMSA 1978 § 32A-6A-24	Y	Y	
Communicable disease information	FL: FS 381.003 TX: H&S Code, Chapter 81, Subchapter C, 25 TAC 97 KY: KRS 211.180 KS: 65-118 MO: 191.631, 191.640, 191.653, 191.656, 191.657, 191.658, 191.663, 191.674, 191.677, 191.689, 191.700, 191.703, 192.020, 192.800, 192.802, 192.804, 192.806, 192.808, 198.532, 199.170, 199.200, 199.240, 199.270, 210.040, 210.050, 221.130, 431.062, 566.135, 19 CSR 20-20.090, 19 CSR 30-40.047, 19 CSR 20-20.100 MI: Rule 325.173: Reporting of Diseases and Infections Rule 325.181: Confidentiality of Reports NM: Reporting of contagious diseases NMSA § 24-1-15	Y Y N N	Y N	42 CFR part 70 45 CFR 164.512 42 CFR Part 70
Alcohol addiction	FL: FS 397.501(7) TX: H&S Code 462, H&S Code 466-7, Occ. Code 504 KY: KRS 222.271 MI: Rule 325.14304: Substance Abuse Treatment Program Patient's Right to Review Records Rule 325.14910: Content and Maintenance of Patient Records for Substance Abuse Treatment Programs KS: 59-29b79 MO: 191.737, 217.785, 431.062, 631.115, 631.120, 631.125, 631.135, 631.140, 631.145, 631.150, 631.160, 631.165, 631.170	Y Y N	Y N	42 CFR part 2 42 CFR Part 2 42 USC 290dd-2

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Drug addiction	FL: FS 397.501(7) TX: H&S Code 462, H&S Code 466-7, Occ. Code 504 KY: KRS 222.271 MI: Rule 325.14304: Substance Abuse Treatment Program Patient's Right to Review Records Rule 325.14910: Content and Maintenance of Patient Records for Substance Abuse Treatment Programs KS: 59-29b80 MO: 191.737, 217.785, 431.062, 631.115, 631.120, 631.125, 631.135, 631.140, 631.145, 631.150, 631.160, 631.165, 631.170	Y Y N	Y N	42 CFR part 2 42 CFR Part 2 42 USC 290dd-2
Reproductive rights	FL: FS 743.065(1) Medical services during pregnancy, FS 390.01114 parental notice -abortions MI: Public Health Code (MCL 333.17015: Informed consent, etc.; MCL 333.2834: Report of fetal death, etc.; MCL 333.9132: Consent of minor to provision of health care, etc.; MCL 333.2835: Abortion reporting) TX: Fam Code 33	N Y	N	
Minor wards of the state	FL: FS 39.407 TX: Various Fam Code sections KS: 28-4-275 MI: Probate Code of 1939 (MCL 710.44: Consent to adoption; separate instrument, etc.) MO: 211.207	N Y	N	
Adult wards of the state	FL: FS 410.037 Disabled Adults - Home Care, FS 410.605 Disabled Adults - Community Care TX: Various H&S and Penal Code sections KS: 65-5601 et seq KY: KRS 209.140	N Y N	N N	
Reporting of abortions	FL: FS 390.0112, See also 59A-9.031, F.A.C., (Reporting obligations of abortion clinics) KS: 65-6709 MI: Public Health Code (MCL 333.2835: Abortion Reporting; MCL 333.2837: Abortion-related deaths or complications; MCL 333.17015: Informed consent) MO: 188.052, 188.055	N	N	
Victims (domestic violence, sex assault, etc.)	FL: FS 741.29 Investigation of Domestic Violence, FS 39.201 Child Abuse Reporting, FS 794.027 Sexual Battery Reporting, FS 415.1034 Mandatory Abuse Reporting - Vulnerable Adults MO: 198.070, 199.033, 210.109, 210.111, 210.115, 210.120, 210.125, 210.130, 210.145, 210.150, 210.152, 210.160, 210.167, 210.183, 210.192, 210.196	N	N	
Futile Care Provisions	FL: FS 765.302, F.S., KS: 65-28,101	N	N	
Other proxies	MO: 194.115, 194.260, 194.263, 194.265 KS: 65-4941			
Provider Specific Provisions Pharmacy records	FL: FS Ch. 465, See also 64B16-27.800, F.A.C. TX: Occ. Code 551.003, Occ. Code 562.052 KY: 201 KAR 2:170 MI: Public Health Code MCL 333.17752 Prescription or equivalent record, preservation, disclosure, etc. KS: 65-1654 MO: 338.095, 338.100	N Y N	N N	HIPAA 45 CFR 164.500 et seq.
Emergency services (ambulance/EMT)	FL: FS 401.30, 64J-1.014, F.A.C. TX: H&S Code 773 KY: 202 KAR 7 KS: 65-6153 MO: 190.175.4, 190.176	Y Y N	Y N	HIPAA 45 CFR 164.500 et seq.
Health professional licensing	FL: FS Ch. 456 Generally; 64B1-10.001, F.A.C. Acupuncture; 64B8-10.001-10.004, F.A.C. Medical Doctor; 64B15-15.001-15.006, F.A.C. Osteopathic Doctor; 64B33-4.001, F.A.C. Athletic Trainer; 64B2-17.0055-17.0065, F.A.C. Chiropractor; 64B4-9.001-9.002, F.A.C. Licensed Clinical Social Worker, Marriage and Family Therapist and Mental Health Counselor; 64B4-17.002, F.A.C. Dentist; 64B6-6.007, F.A.C. Hearing Aid Specialist; 64B9-11.001-11.002, F.A.C. Nurse; 64B13-3.003, F.A.C. Optometrist; 64B17-6.0042-6.005, F.A.C. Physical Therapist; 64B18-15.002-15.002, F.A.C. Podiatrist; 64B19-19.002-19.006, F.A.C. Psychologist; 64B20-9.006, F.A.C. Speech-Language Pathologist; 64B24-7.014, F.A.C. Licensed Midwife TX: Occ. Code Title 3 KY: KRS 311.597 Physicians MI: Public Health Code MCL 333.16608 Health profession specialty field license, etc.; MCL 333.16196 License or registration of individual inducted or entering into service, continuation, notice; MCL 333.16221 Investigation of licensee, etc. KS: 100-22-1	N Y Y	N N	HIPAA; AMA Code of Ethics

DRAFT

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
	<p>MO: 191.700, 209.339, 324.165, 324.217, 324.250, 324.255, 324.481, 324.499, 330.190, 332.052, 334.021, 334.100, 334.127, 334.520, 334.260, 334.265, 334.706, 334.735, 334.910, 335.097, 336.150, 337.065, 337.520, 337.627, 337.727, 338.013, 338.020, 338.095, 338.100, 338.140, 338.150, 338.314, 344.070, 345.030, 345.080, 346.125, 4 CSR 110.2.210, 19 CSR 73-1.010, 19 CSR 73-2.085, 20 CSR 2015.1.010, 20 CSR 2070-2.065, 20 CSR 2095-1.050, 20 CSR 2110-2.200, 20 CSR 2110-2.210, 20 CSR 2115-1.030, 20 CSR 2150-8.090, 20 CSR 2150-8.130, 20 CSR 2165-2.070, 20 CSR 2197-6.020, 20 CSR 2210-2.040, 20 CSR 2330.2.041, 20 CSR 2233-1.030, 20 CSR 2235-4.030, 20 CSR 2263-1.025</p> <p>NM: Telemedicine license NMSA 1978 §§ 61-6-11.1 & 61-6-6. Revocation of License NMSA 1978 § 61-6-15</p>	N	N	
Health professional accreditation	MI: Public Health Code (MCL 333.16148: Board; rules establishing standards for education and training; accreditation of training programs; etc.; MCL 333.20155: Facility accreditation and audits)			
Professional counselors	<p>FL: FS Ch. 456 Generally; FS 491.0148, 64B4-9.001-9.002, F.A.C. Licensed Clinical Social Worker, Marriage and Family Therapist and Mental Health Counselor; 64B19-19.002-19.006, F.A.C. Psychologist</p> <p>KS: 102-3-12a</p> <p>MI: Public Health Code (MCL 333.18117: Confidentiality of counselor communications) The Revised School Code (MCL 380.1531: Requirements for issuing licenses and certificates and endorsements as qualified counselors etc.)</p> <p>MO: 337.500 et seq.</p>	N	N	

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Utilization, peer & quality review	FL: Art. X §25 Fla. Const., FS 766.101 Medical Review Committee, FS 395.0193 Hospital Peer Review, FS 383.336 C-Section Peer Review, FS 397.419 Substance Abuse QA, FS 394.907 Community Mental Health Centers QA KY: SCN v. Raikes case MI: Public Health Code (MCL 330.1143a: Confidentiality of peer review information for psychiatric facilities; MCL 333.21515: Confidentiality of hospital peer review records) KS: 40-22a09, 40-22a10 MO: 190.245, 191.700, 208.175, 537.035	N N	Y N	
Facility-Specific Provisions				
Hospitals	FL: FS 395.3025 Hospitals and ASC, See also 59A-3.270, F.A.C. Hospitals and 59A-5.012, F.A.C. Ambulatory Surgery Centers TX: Health care facilities: H&S Code Title 4 KY: 902 KAR 20:016 MI: Rule 325.1028 Hospital Medical Record Requirements KS: 28-34-9a MO: 190.245, 192.138, 192.667, 197.100, 197.285, 19 CSR 10-33.040, 19 CSR 10-33.050, 19 CSR 30-20.015	Y Y Y	Y N HIPAA (CFR 42 482.24)	42 CFR 482.24, (Medicare COP - Hospitals); 42 CFR 416.47, (Medicare COP - ASC) HIPAA 45 CFR 164.500 et seq.
Critical Access Hospitals/ Rural Health Networks	KS: 65-468 et seq			
Nursing Facilities	KS: 28-39-163(m)			
School based clinics	FL: FS 381.0056, FS 1002.22 TX: Educ. Code 38 KS: 72-5214 KY: KRS 156.502; 702 KAR 3:285	N Y N	Y N	20 USC 1232g 34 CFR 300 (IDEA)
Imaging labs and centers	KY: 902 KAR 20:250 KS: 65-424a TX: State regs mirror fed regs	N Y	N	HIPAA 45 CFR 164.500 et seq.
Testing and clinical labs	FL: FS 483.181(2) clinical labs State regs mirror fed regs MI: Rules 325.1743 and 325.1475: Laboratory Reports KS: 28-34-11 KY: KRS 333.130; 902 KAR 11:020	Y Y N	Y N	42 CFR 493 HIPAA (42 CFR 493) 42 USC 263
Assisted living facilities, nursing homes, and skilled nursing facilities	FL: FS 400.022 Nursing Homes - Resident Rights, 59A-4.118, F.A.C., (Nursing Home - Medical Records); FS 429.28 Assisted Living - Resident Rights KY: KRS 194A MI: Public Health Code (MCL 333.21743: Confidentiality of clinical records by MDCIS, MDCH and nursing homes; MCL 333.21763: Confidentiality of communications by nursing home residents) Mental Health Code (MCL 330.1433: Assisted outpatient treatment, etc.; MCL 330.1469a: Treatment program as alternative to hospitalization; court order). Adult Foster Care Facility Licensing Act (MCL 400.712: Keeping and maintaining records and reports; etc.) Rule 325.20112: Nursing Homes' Policies for Access to Records Rule 400.14316 and Rule 400.15316: Maintenance of Resident Records by Adult Foster Care Group Homes. Rule 325.1851: Records of Homes for the Aged Rule 325.1853: Content of Homes for the Aged Records. Rule 325.20404: Life-Threatening Accidents or Injuries in Nursing Home KS: 28-39-250 MO: 192.138, 198.022, 198.052, 198.088, 198.526, 660.603, 660.605, 19 CSR 30-85.042, 19 CSR 30-86.042	N N	Y N	
Drug & alcohol treatment facilities	FL: FS 397.501(7) KS: 59-29b79 MI: Rule 325.14304: Substance Abuse Treatment Program Patient's Right to Review Records Rule 325.14910: Content and Maintenance of Patient Records for Substance Abuse Treatment Programs KY: 908 KAR 1:320	Y N	Y n	42 CFR part 2 HIPAA (42 CFR)
Rehabilitation facilities	KY: 902 KAR 20:231 KS: 65-424a MO: 199.033	N	N	HIPAA 45 CFR 164.500 et seq.
Home health agencies	FL: FS 400.491, 59A-8.022, F.A.C., See also 59A-18.012, F.A.C., - Nurse Registries KY: 902 KAR 20:081 KS: 28-51-110 MO: 197.425, 19 CSR 30-26.010(2)(E)	Y N	Y N	42 CFR 484.48 (Medicare - COP) HIPAA 45 CFR 164.500 et seq.
Hospice	FL: FS 400.611	Y	Y	42 CFR 418.74, (Medicare - COP)
Ambulatory surgery centers	KS: 28-34-57			
Payers/Insurance Company Provisions				
Health insurance related provisions	FL: FS 624.23, FS 626.9651, FS 627.429, FS 627.4195, FS 627.668 See also 690-128.001-035, F.A.C., for detailed regulations on privacy related matters KY: KRS 304.17A; 902 KAR 20:054	N N	N N	Health Insurance - Gramm-Leach-Bliley Act, 15 U.S.C. 6801 - 6809 HIPAA 45 CFR 164.500 et seq.

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
	MO: 354.717, 374.205, 374.775, 375.037, 375.149, 375.164, 374.190, 375.231, 375.937, 375.938, 375.940, 375.938, 375.940, 375.991, 375.992, 375.994, 375.1009, 375.1010, 375.1050, 375.1100, 375.1132, 375.1156, 375.1172, 376.1356, 630.140			
HMO provisions	FL: FS 641.3007, FS 641.27, FS 641.515, FS 641.55, FS 641.59, See also 69O-128.001-035, F.A.C., for detailed regulations on privacy related matters TX: Ins. Code 843 KY: KRS 304.17A; 902 KAR 20:054 MI: The Nonprofit Health Care Corporation Reform Act (MCL 550.1401(3)(e): Nondisclosure of genetic information; MCL 550.1406: Confidentiality of records; disclosure; etc.; MCL 550.1407: Complaint system; MCL 550.1604: Confidentiality: violation as misdemeanor; penalty) KS: 40-3226 MO: 192.068, 354.190, 354.285, 354.355, 354.465, 354.500, NM: NM Health Maintenance Organization Law, Confidentiality	N Y N ?	N N ?	Health Insurance - Gramm-Leach-Bliley Act, 15 U.S.C. 6801 - 6809 HIPAA 45 CFR 164.500 et seq.
Medicaid/Medicare related provisions	FL: FS 409.907(3)(d) KY: KRS 205.566 MO: 208.155, 208.164, 208.175, 208.176, 208.201, 208.204, 208.215, 208.217 KS: 40-3226	Y N	Y N	 HIPAA 45 CFR 164.500 et seq.
State employees' plan	KS: 75-6501 et. seq			
<u>Employer Specific Provisions</u>				
EHR				
Provisions related to employers	KY: 806 KAR 17:470 (Limited appl) TX: Labor Code 21 MI: Rule 325.52116 Employer Retention of Medical Records; Rule 325.70015 Employer's Duties as to Medical Records; Rule 325.70111 Employer to Maintain Exposure and Exposure-Related Medical Records MO: 292.340, 292.350	N Y	N	HIPAA 45 CFR 164.500 et seq. HIPAA 45 CFR 164.308, 164.314, 164.501, 164.506
Preemployment screenings	FL: FS 448.076 Sickle Cell Screening KY: KRS 207.140	N N	N N	 ADA
Employee Assistance Programs	FL: FS 166.0444, FS 110.1091, FS 125.585	N	N	

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Public Health Reporting				
Newborn screening	FL: FS 383.14 TX: 25 TAC 37, 25 TAC 73.21, H&S Code 87 KY: 215.155 MI: Public Health Code (MCL 333.5430: Newborn screening quality assurance advisory committee, etc.; MCL 333.5721: Reporting birth defects). The Nonprofit Health Care Corporation Reform Act (MCL 550.1401: Offering of health care benefits; etc.) KS: 28-4-509 MO: 191.331 NM: Tests required for newborn infants NMSA 1978 § 24-1-6; Newborn hearing testing NMSA 1978 § 24-1-6.1	N Y NA N	Y N N	45 CFR 164.512
Vital records (birth/death certificates)	FL: FS Ch. 382.025, See also FS 382.008 Death Certificates TX: H&S Code 191, H&S Code 192 KY: KRS 213.131 MI: Public Health Code (MCL 333.2821: Vital records; MCL 333.2833: Recording death, etc.; MCL 333.2834: Report of fetal death, etc.; MCL 333.2835: Abortion reporting; MCL 333.2844a: Release of information to find missing persons; MCL 333.2888: Inspection and disclosure of vital records). Rule 325.3203: Confidentiality of Vital Records Collected by State Registrar. Rule 325.3233: Listing of Marriages, Divorces and Deaths by Registrar. Rule 325.3234: Inspection of Vital Records Maintained by Registrar. Rule 325.3235: Security of Records Maintained by Registrar KS: 28-67-3 MO: 58.451, 58.452, 58.720, 58.722, 192.060, 193.085, 193.087, 193.105, 193.115, 193.125, 193.135, 193.145, 193.155, 193.165, 193.175, 193.225, 193.245, 19 CSR 10-10.010 et seq.	Y Y NA	Y N	45 CFR 164.512
State Department of Health reporting (reporting certain conditions to state)	FL: FS Ch. 381 generally; FS 381.0031, FS 384.25, FS 385.202, FS 395.1025 TX: H&S Code 161 and 181 KY: KRS 211.180 MI: Public Health Code (MCL 333.16238: Confidentiality of information, etc.; MCL 333.16243: Reports, etc.) KS: 28-1-18 MO: 188.052, 188.055, 191.331, 191.631, 191.653, 191.656, 191.671, 191.743, 191.745, 191.925, 192.650, 192.653, 192.655, 192.737, 194.117, 199.033, 210.070, 210.080, 292.340, 292.350, 19 CSR 20-20.090, 19 CSR 20-20.100, 19 CSR 40-3.010, 19 CSR 70-21.010 NM: Sexually transmitted diseases NMSA 1978 § 24-1-7; Communication regarding sexually transmitted diseases NMSA 1978 § 24-1-8	Y Y N N	Y N N	45 CFR 164.512
Reports to other state agencies	FL: FS 456.057(7)(a)(5) allowing for the reporting of patient information, without consent, to regional poison control centers. See also FS 395.3025(4)(f-m) KY: KRS 620.030 (child abuse) MO: 630.140, 630.168, 630.975, 632.300, 632.315, 632.330, 632.340, 632.370, 632.375, 632.390, 632.484, 660.255, 660.260, 660.261, 660.263, 660.300, 660.321, 9 CSR 10-5.200	N N	N N	45 CFR 164.512
Immunization reporting	FL: FS 381.003 TX: H&S Code 161 KY: KRS 214.015 MI: Public Health Code (MCL 333.9206: Certificate of immunization required, etc.) KS: 28-1-20 MO: 167.181, 167.183 NM: Reporting NMSA 1978 § 24-5-8; Access NMSA 1978 § 24-5-9	N Y NA N	Y N N	45 CFR 164.512
Registries	FL: FS 381.0011 General Authority of Dept. of Health, FS 381.003(1)(e) Immunizations, FS 385.202 Cancer, FS 381.0031 Diseases of Public Significance, FS 395.404 Trauma Registry Data KY: KRS 194A.750, 211.660, 214.556, 216.936 KS: 28-70-2 MO: 192.650, 192.653, 192.655, 192.737, 19 CSR 70-21.010, 194.220	Y NA	Y N	45 CFR 164.512
Information sharing in public emergencies	FL: FS 163.62 Limited - Collaborative Client Information Systems, FS 381.00315 Public Health Advisories, FS 402.115 Authorizes DOH, DCF and APD to share confidential information on clients served by the respective agency	N	Y	
	MI: Public Health Code (MCL 333.20191: Infectious agent and emergency treatment)			
State Facilities/Medical Records				
Other state facilities				
Public health clinics	FL: FS 456.057.(7)(a) County Health Departments - Treatment Purposes. Also 64F-10.008, F.A.C. KS: 65-411 KY: 911 KAR 1:070 (CSHCN), 920 KAR 2:040 (Child Advoc Ctrs) FL: FS 945.10(1) TX: Various Penal Code sections KY: KRS 197.025; 501 KAR 3:090; 7:090	N N N Y N	Y N Y N	HIPAA 45 CFR 164.500 et seq.
Correctional facilities (adult)				

DRAFT

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
	MI: Corrections Code of 1953 (MCL 791.234: Prisoners subject to jurisdiction of parole board, etc.: MCL 791.267: Testing of prisoners for HIV) KS: 75-5266 MO: 217.015, 217.070, 217.075, 217.245, 217.250, 217.270, 217.335, 217.430, 217.535, 217.785, 221.120, 221.130, 221.230, 552.050, 552.060			
Correctional facilities (minors)	FL: FS 985.18 TX: Various sections of Fam Code KY: KRS 610.340; KRS 605.160	N Y N	Y N	HIPAA 45 CFR 164.500 et seq.
State hospitals	FL: FS 392.62 Allows state to operate a hospital, pursuant to Ch. 395, for tuberculosis patients. KS: 76-1202 KY: 908 KAR 3	Y N	Y N	
State Freedom of Information Act	FL: FS Ch. 119 Public Records - Generally KY: KRS 61.872 KS: 45-215 to 45-223	N N	N N	

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Penalties/Remedies Statutory right to sue for damages related to health information	MI: Public Health Code MCL 333.21773 Involuntary transfer or discharge of patient, notice, etc.; MCL 333.20201 Policy describing rights and responsibilities of patients or residents, etc. TX: Various H&S Code, 22 TAC sections, H&S Code 611.005	Y		
Common law right to sue for damages related to health information	Yes, Florida would allow for claims for common law intentional torts such as "Intentional Infliction of Emotional Distress" and "Invasion of Privacy", (See, Southern Baptist Hospital of Florida v. Welker, 908 So.2d 317, (2005)); Additionally, relatively recent Florida Supreme Court decisions would also seem to allow claims for unintentional torts such as "Negligent Infliction of Emotional Distress" and "Breach of Fiduciary Duty" (See, Florida Department of Corrections v. Abril, 969 So.2d 201(2007) and Gracey v. Eaker, 837 So.2d 348 (2002)) KS: Senogles v. Security Ben. Life Ins. Co., 217 Kan. 438; Davidson v. Tangari, 776 P.2d 835; KY: 894 SW 2d 141 (KY. Ct. App.1995)	N/A N	N/A N	
Criminal provisions - wrongful access	FL: FS 760.40(2)(a) Genetic Information, FS 381.004(6) HIV and STD, FS 817.568(2)(a) Criminal Use of Personal Identification TX: Various H&S and Occ Code sections KY: KRS 218A.320 KS: 21-3755 NM: Computer Crimes NMSA 1978 §§ 30-45-1, et seq.	N Y N N	N N N	
Administrative penalties for wrongful disclosure	FL: FS 456.072(1)(k) allows for the imposition of fines and penalties by professional licensing boards for the failure to comply with any statutory obligation. KY: KRS 216.2927(7) (public health) KS: 65-2837	N N	N N	HIPAA 45 CFR 164.500 et seq.
Litigation Related Provisions Medical record subpoenas	FL: Rule 1.351 Fla.R.Civ.P. allows for the production of records, including medical records in a civil suit. The individual whose records are to be disclosed is provided an opportunity to object; and Rule 1.360 Fla.R.Civ.P. when the physical or mental condition of a party to a suit is in issue the opposing party may request an examination of the other party. TX: H&S Code 241 KY: KRS 422.300, 035 MI: Public Health Code MCL 333.20175 Maintaining record for each patient, confidentiality, wrongfully altering or destroying records, etc.; MCL 333.7333a Electronic monitoring system; MCL 333.16221 Investigation of licensee, registrant, or applicant for licensure or registration, etc. Mental Health Code MCL 330.1748 Confidentiality of Mental Health Records; MCR 2.314 Release of medical information by subpoena; MCR 2.506 Compliance with Subpoena by Hospitals KS: 65-2839a MO: 324.481, 334.127, 335.097, 354.190, 374.190	N Y N	N N	45 CFR 164.512(e)
Patient/provider privilege	FL: FS 90.503 Patient-Psychotherapist. See Also FS 456.057(7) and FS 395.3025(4) KY: Varies by provider KS: 60-427 MO: 209.263, 210.832, 211.459, 334.100, 491.060.5, 577.037, 577.214, 632.425, 632.510	Y N	Y N	
Workers comp disclosures	FL: FS 440.13(4)(c) MI: Workers Disability Compensation Act (MCL 418.230: Confidential records; power of court to subpoena records not limited) KY: KRS 342.020 MO: 287.140, 287.210, 287.240, 287.350, 287.380, 287.420, 287.460, 287.560, 287.894, 287.937, 8 CSR 20-3.010, 8 CSR 50-5.010 KS: 51-9-10(b)(3)	N N	N N	
Law Enforcement DUI test results	FL: FS 316.1932 and FS 316.1933 MI: Michigan Vehicle Code (MCL 257.625a: Arrest without warrant; availability of test results, etc.) KS: 8-1001 MO: 302.745, 306.114, 306.116, 577.020, 577.206	N	Y	
Abuse & neglect	FL: FS 741.29 Investigation of Domestic Violence, FS 741.29; 39.201 Child Abuse Reporting, FS 794.027 Sexual Battery Reporting), FS 794.027; 415.1034 Mandatory Abuse Reporting - Vulnerable Adults, FS 415.1034, Also FS 415.107 Confidentiality of Records, FS 415.107; 395.1023 KY: KRS 620.030 MI: Mental Health Code (MCL 330.1723: Obligation of mental health professional to report abuse or neglect; MCL 330.1748a: Use of mental health records as evidence of abuse or neglect). Public Health Code (MCL 333.2640: Provision of medical records for child abuse or neglect; MCL 333.16281: Disclosure of Child Abuse Investigation Records). Foster Care and Adoption Services Act (MCL 722.954c: Release of child's medical records, etc.). Child Protection Law (MCL 722.623: Individual required to report child abuse or neglect, etc.) KS: 39-1431	N N	N N	HIPAA 45 CFR 164.500 et seq.

Subject Matter	Citation/ Link	Patient	Population	References to Related State/ Federal Law & Legislative Proposals
		Care?	Health?	
	MO: 198.070, 199.033, 210.109, 210.120, 210.125, 210.130, 210.140, 210.145, 210.150, 210.152, 210.160, 210.167, 210.183, 210.192, 210.196, 660.263, 660.300, 660.520			

DRAFT

Subject Matter	Citation/ Link	Patient Care?	Population Health?	References to Related State/ Federal Law & Legislative Proposals
Other disclosures to law enforcement	FL: FS 790.24 Gun shot wounds or life threatening Injuries, FS 415.1034(2) suspected Abuse to Vulnerable Adult, FS 39.201(1) Suspected Child Abuse, FS 794.027 Sexual Battery Reporting, h 406.12, F.S. (Report of Certain Deaths to Coroner), KY: Various MI: Uniform Crime Reporting System Act (MCL 28.258: Information for LEIN) KS: 21-4213 MO: 56.085, 191.677, 191.910, 195.375, 195.415, 198.532, 199.033, 334.265, 552.020, 552.030, 552.040, 557.031, 578.350, 630.140, 630.150, 630.168, 632.483, 632.484, 632.337, 632.455, 633.140, 633.321, 9 CSR 10-5.200	N	N	HIPAA (45 CFR 164.510, 164.512, 164.530); Patriot Act HIPAA 45 CFR 164.510, 164.512, 164.530. Patriot Act Pub. Law 107-56
Research				
Disclosures for research	FL: FS Ch. 405, FS 408.061(10) KS: 65-4974 MO: 191.656, 192.067, 192.667, 194.150, 194.160, 199.033, 210.192, 210.196, 630.140, 630.192, 630.194, 19 CSR 10-33.010, 19 CSR 30-1.020 MI: Public Health Code (MCL 333.2631: Reporting or sharing research information with MDCH; MCL 333.5703: Toxicological studies of Vietnam veterans) TX: Various in Educ., H&S, and Gov. Codes	N Y	Y	HIPAA 45 CFR 164.512, 194.514; 45 CFR Part 46, 21 CFR Parts 50 and 56 HIPAA (45 CFR 164.512, 164.514)
Statutory Definitions	FL: Unless otherwise indicated the definitions listed below are not formally address in Florida law			
Electronic Medical Record	MI: Child Protection Law (MCL 722.627: Central registry; availability of confidential records, etc.). Michigan Penal Code (MCL 750.492a: Placing misleading or inaccurate information in medical records or charts; etc.). Michigan Vehicle Code (MCL 257.207a: Electronic driver license status check, etc.)			
Electronic Health Record				
Health Information Exchange	MI: Public Health Code (MCL 333.2503: Health information technology commission; creation, etc.)			
Health Information Organization				
Personal Health Record				
Consent	FL: Term consent is used in a number of Florida statutes and is often interchanged with the term "Authorization" MI: Rule 325.3828: Informed consent KY: KRS 304.40-320	N	N	HIPAA
Authorization	FL: Term authorization is used in some Florida statutes and is often interchanged with the term "Consent" KS: 65-4970(c)			
Privacy	FL: Art. I Sec 23; see also Art. X, Sec 22 (Parental Notice of Termination of a Minor's Pregnancy)			
Confidentiality				
"Electronic health network"	KY: KRS 216.263	N	N	